

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

MONDAY, JANUARY 7, 2008, AT 8:00 AM

Present: Maria M. Oms, Rocky Armfield and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

a. Claim of Daniel Lopez

This claim concerns allegations that the Lennox Sheriff's Station lacked an accessible entry ramp in violation of the Americans with Disabilities Act.

[See Supporting Documents](#)

Action Taken:

This matter was continued to the next Claims Board meeting.

Absent: None

Vote: Unanimously carried

- b. Dworsky Associates, et al. v. Matti J. Prabhu & Associates
Los Angeles Superior Court Case No. BC 331 241

This lawsuit concerns the recovery of extra construction costs the County incurred due to errors in the design of the Central Juvenile Hall Housing Units Replacement Project.

Action Taken

The Claims Board recommended to the Board of Supervisors the settlement of this matter whereby the County will accept payment of \$273,000 to settle its professional negligence claims in connection with the design of the Central Juvenile Hall Housing Units Replacement Project.

Absent: None

Vote: Unanimously carried

[See Supporting Document](#)

- c. John Alderson v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 367 781

This lawsuit concerns allegations that the Department of Parks and Recreation wrongfully rescinded an offer of employment.

Action Taken:

This matter was continued to the next Claims Board meeting.

Absent: None

Vote: Unanimously carried

- d. County of Los Angeles v. Sandra Shewry and State Department of Health Services
Los Angeles Superior Court Case No. BS 109 055

This lawsuit concerns payments under the State Medi-Cal Program.

Action Taken:

The Claims Board approved settlement of this matter wherein the County would accept payment the amount of \$39,180.

Absent: None

Vote: Unanimously carried

[See Supporting Document](#)

- e. Estate of Antonette Taylor, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 019 653

This wrongful death lawsuit arises from treatment received by a patient while hospitalized at the Martin Luther King/Drew Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$295,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Health Services' budget.

Absent: None

Vote: Unanimously carried

[See Supporting Document](#)

- f. Engrid Lewis v. County of Los Angeles
Los Angeles Superior Court Case No. TC 021 267

This medical negligence lawsuit arises from treatment received by a patient while hospitalized at the Harbor/UCLA Medical Center.

Action Taken:

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$437,000 and that the Auditor-Controller be instructed to draw a warrant to implement this settlement from the Department of Health Services' budget.

Absent: None

Vote: Unanimously carried

See Supporting Documents

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Approval of the minutes for the December 17, 2007, meeting of the Claims Board.

Action Taken:

The Minutes of December 17, 2007, were approved.

Absent: None

Vote: Unanimously carried

See Supporting Document

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

No such matters were discussed.

7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Daniel Lopez
CASE NUMBER	Claim No.: 07-1054082
COURT	Not Applicable
DATE FILED	Claim filed on July 13, 2007
COUNTY DEPARTMENT	Los Angeles County Sheriff's Department General Fund
PROPOSED SETTLEMENT AMOUNT	\$40,000
ATTORNEY FOR PLAINTIFF	Mark D. Potter
COUNTY COUNSEL ATTORNEY	Roger H. Granbo
NATURE OF CASE	On May 18, 2007, Daniel Lopez, a wheelchair-bound paraplegic, went to Lennox Sheriff's Station to pick up his impounded car. There were no accessible ramps for Mr. Lopez to use, so a Sheriff's Deputy assisted Mr. Lopez by pulling him and his wheelchair up the front steps. Mr. Lopez fell forward landing on the ground whereupon he was taken to the hospital complaining of

injuries and kept overnight. Mr. Lopez alleges that the Sheriff's Department was in violation of the Americans with Disabilities Act.

Due to the risks, uncertainties and costs of litigation, a full and final settlement of the claim in the amount of \$40,000 is recommended.

PAID ATTORNEY FEES, TO DATE

This matter is in the claim stage.

PAID COSTS, TO DATE

None.

Summary Corrective Action Plan



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	<u>Claim of Daniel Lopez (07-1054082)</u> May 18, 2007 (Corrective Action Plan #2007-008S)
Briefly provide a description of the incident/event:	On May 18, 2007, Daniel Lopez, a wheelchair-bound paraplegic, arrived at Lennox Station (Field Operations Region II) to conduct business. Because Lennox Station was not equipped with wheelchair-accessible ramps, a sheriff's deputy assisted Mr. Lopez by pulling him up the front steps.

1. Briefly describe the root cause of the claim/lawsuit:

While the sheriff's deputy was assisting Mr. Lopez, he (Mr. Lopez) fell forward and landed on the ground. Mr. Lopez was subsequently transported to a nearby hospital for medical evaluation and treatment.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

In his claim, Mr. Lopez alleges the County of Los Angeles and the Los Angeles County Sheriff's Department is in violation of the Americans with Disabilities Act (ADA).

An appropriate modification to the sidewalk at Lennox Station has been made. A wheelchair-accessible ramp was constructed from the sidewalk to the front door of the station. In addition, a sign has been prominently posted advising members of the public that station personnel will provide assistance or accommodation(s), if requested.

The Los Angeles County Sheriff's Department's investigation of the incident revealed no employee misconduct or malicious intent on the part of Department personnel.

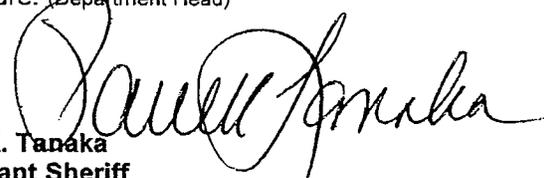
Due to the risks, uncertainties, and costs of litigation, a full and final settlement of this claim is recommended.

All County of Los Angeles facilities should be inspected to ensure compliance with ADA provisions (refer to #3 below).

RECOMMENDED SETTLEMENT AMOUNT: \$40,000

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau	Date: 12-4-07
Signature: (Department Head)  Paul K. Tanaka Assistant Sheriff	Date: 12-21-07

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Dworsky Associates, et al. v. Matti J. Prabhu & Associates
CASE NUMBER	BC 331241
COURT	Los Angeles County Superior Court Central District
DATE FILED	April 11, 2005
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	Payment to County of \$273,000
ATTORNEY FOR COUNTY	Michele L. Gamble, Esq. COLLINS, COLLINS, MUIR & STEWART LLP
COUNTY COUNSEL ATTORNEY	Robert C. Cartwright Principal Deputy County Counsel (213) 974-1793
NATURE OF CASE	This is a case seeking reimbursement of extra construction costs incurred by the County due to professional negligence in the design of the Central Juvenile Hall Housing Units Replacement Project ("Project"). The County's extra construction costs resulted from design errors and omissions discovered in structural plans and specifications prepared by Matti J. Prabhu & Associates ("Prabhu"), a structural engineering sub-consultant on the Project. The County assigned its claims against Prabhu to the architect of record, Cannon Dworsky ("Cannon"), who prosecuted both the County's claims and Cannon's own claims against its sub-consultant, Prabhu.

On June 15, 1999, the County retained Cannon as the architect of record to design the Central Juvenile Hall Housing Units Replacement Project. Cannon hired Prabhu as a sub-consultant to perform structural engineering services. In January 2003, when construction of the Project was just over thirty percent complete, a number of significant deficiencies in Prabhu's structural plans were discovered. In April 2003, Cannon terminated Prabhu's contract. Subsequently, the principal of the Prabhu firm, Matti J. Prabhu, passed away and the firm ceased operations. Due to Prabhu's design errors, the County incurred change orders to the construction contractor of approximately \$452,000. Cannon incurred approximately \$412,000 in extra costs, including additional costs to re-design the structural plans and specifications, due to Prabhu's errors.

In 2005, the County entered into a Joint Prosecution Agreement with Cannon in which the County assigned its claims to Cannon and Cannon agreed to prosecute the County's claims and its own claims against Prabhu. Cannon also agreed to be responsible for all attorneys' fees and costs incurred in the litigation. Cannon filed the resulting lawsuit against Prabhu in April 2005. The case was vigorously litigated, with significant discovery being undertaken by both sides.

Due to the risks and uncertainties of litigation, the office of the County Counsel, in conjunction with the Department of Public Works, is recommending a global settlement in the amount of \$525,000 whereby the County will receive \$273,000 and Cannon will receive \$252,000. Out of Cannon's portion of the settlement proceeds, Cannon will pay all of the costs of the litigation, including attorney's fees, which exceed \$183,000.

PAID ATTORNEY FEES, TO DATE	None by County
PAID COSTS, TO DATE	None by County

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	County of Los Angeles v. Sandra Shewry and California State Department of Health Services
CASE NUMBER	BS 109055 (petition)
COURT	Los Angeles County Superior Court Central District
DATE FILED	May 23, 2007
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	County would receive approximately \$39,180
ATTORNEY FOR PLAINTIFF	Jeffrey Bates, Esq. Foley & Lardner, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Deputy County Counsel (213) 974-1864
NATURE OF CASE	<p>This is a petition filed by the County of Los Angeles against Sandra Shewry and California State Department of Health Services. The County seeks reimbursement for medical services provided at LAC+USC Medical Center.</p> <p>The subject medical services were billed to Medi-Cal. The County of Los Angeles</p>

and the State Department of Health Services disagreed as to the extent to which the State Department of Health Services should reimburse the County under the Medi-Cal program.

After exhausting the necessary administrative procedures, the County filed the present petition with the Court. The parties then reached a settlement whereby the State Department of Health Services would pay \$39,180 as the final settlement of the dispute.

PAID ATTORNEY FEES, TO DATE	\$2,837.50
PAID COSTS, TO DATE	\$5.25

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Estate of Antonette Taylor, Cynthia Taylor, Ronald Taylor, Timothy Taylor and Dedra Taylor v. County of Los Angeles
CASE NUMBER	TC019653
COURT	Los Angeles County Superior Court South Central District
DATE FILED	December 29, 2005
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$295,000
ATTORNEY FOR PLAINTIFF	Joseph Fogel, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Deputy County Counsel (213) 974-1864
NATURE OF CASE	<p>This was a wrongful death lawsuit brought by the surviving family of Antonette Taylor, who died on May 13, 2005, almost two months after being discharged from Martin Luther King Medical Center ("MLK").</p> <p>The patient was admitted to MLK with significant and complicated medical</p>

history. During the course of her hospitalization at MLK, the patient developed skin ulcers. Ms. Taylor was transferred to a convalescent facility where she died as a result of various medical conditions including infection.

The plaintiffs filed a lawsuit against the County contending that the patient's skin ulcers developed due to the substandard care provided by MLK staff. The plaintiffs further contended that the patient's skin ulcers became infected and caused her death. While the County argued that the development of skin ulcers were inevitable in a patient such as Antonette Taylor and that the subject infection did not directly cause the death of the patient, due to the risks and uncertainties of litigation, the Department of Health Services agreed to propose a full and final settlement of this case in the amount of \$295,000.

PAID ATTORNEY FEES, TO DATE	\$157,184
PAID COSTS, TO DATE	\$45,151



Summary Corrective Action Plan

Date of incident/event:	May 13, 2005
Briefly provide a description of the incident/event:	Antonette Taylor presented to Martin Luther King/Drew Medical Center with left sided weakness and slurred speech of several days duration. She had a history of hypertension, diabetes and end stage renal failure. Ms. Taylor consequently became unresponsive. She was hospitalized for five months and developed skin breakdown. She was transferred to a long term care facility where she remained unresponsive and subsequently died.

1. Briefly describe the root cause of the claim/lawsuit:

- Failure to provide adequate care to skin ulcers.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

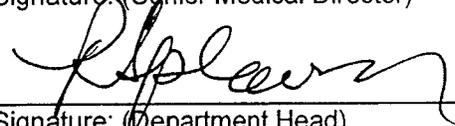
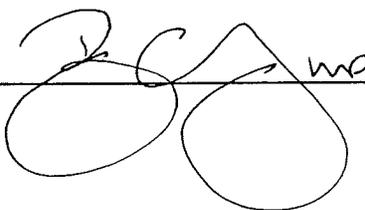
- All appropriate personnel corrective actions have been taken.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

Potentially has County-wide implications.

Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).

Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 12/21/07
Signature: (Senior Medical Director) 	Date: 12/21/07
Signature: (Department Head) 	Date: 12.21.07

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Engrid Lewis
CASE NUMBER	TC 021267
COURT	Los Angeles County Superior Court South Central District
DATE FILED	August 30, 2007
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$437,000
ATTORNEY FOR PLAINTIFF	Joseph Fogel, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Deputy County Counsel (213) 974-1864
NATURE OF CASE	<p>This was a civil lawsuit brought by Engrid Lewis for the injuries she suffered while a patient at Harbor/UCLA Medical Center ("HUMC").</p> <p>Ms. Lewis was admitted to HUMC for the treatment of the fibroid tissue in her uterus. The patient was presented with various treatment options, and she chose to have the fibroid tissue surgically treated without her uterus being removed.</p>

On September 27, 2006, the patient underwent a surgical procedure where the staff at HUMC ended up removing the patient's uterus.

The plaintiff filed a lawsuit against the County, based on theories of medical malpractice and battery, contending that she had not consented to the removal of her uterus.

While the County will argue that the proper medical treatment was to remove the patient's uterus, plaintiff will argue that the removal of her uterus was against her wishes. Thus, the Department of Health Services agreed to propose a settlement of this case in the amount of \$437,000.

PAID ATTORNEY FEES, TO DATE	\$8,229.00
PAID COSTS, TO DATE	\$1,490.00



Summary Corrective Action Plan

Date of incident/event:	September 27, 2006
Briefly provide a description of the incident/event:	Ms. Lewis underwent a removal of her uterus without consent.

1. Briefly describe the root cause of the claim/lawsuit:

- Ms. Lewis underwent the removal of her uterus without consent.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

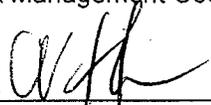
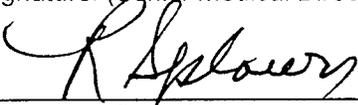
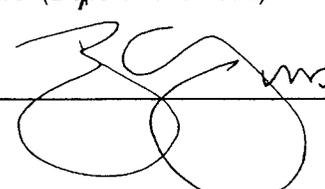
- All appropriate personnel corrective actions have been taken.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

Potentially has County-wide implications.

Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).

Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 12/14/07
Signature: (Senior Medical Director) 	Date: 12/26/07
Signature: (Department Head) 	Date: 12. 21 . 07

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 17, 2007

This regular meeting of the County of Los Angeles Claims Board was called to order at 8:10 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Present at the meeting were Claims Board Members: Maria M. Oms, Rocky Armfield and John F. Krattli; Office of the County Counsel: Patrick Wu, Narbeh Bagdasarian and Brian Chu; Department of Health Services: Gail V. Anderson, Jr., M.D., MBA, Associate Medical Director; Office of Affirmative Action: Hayward Harris; Department of Public Works: Allan Abramson; Sheriff's Department: Shaun Mathers.

No members of the public addressed the Claims Board.

At 8:11 a.m., the Chairperson adjourned the meeting into closed session. At 9:30 a.m., the public meeting was reconvened.

The Claims Board took the following actions:

- a. Keisha Scott v. County of Los Angeles
Los Angeles Superior Court Case No. BC 317 082

This lawsuit concerns allegations of sexual harassment by an employee of the Sheriff's Department.

The Claims Board approved settlement of this matter in the amount of \$100,000.

The vote of the Claims Board was unanimous with all members being present.

- b. Maria Marquez, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 018 702

This medical negligence lawsuit arises from treatment received by a patient while hospitalized at Harbor UCLA Medical Center.

The Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$250,000.

The vote of the Claims Board was unanimous with all members being present.

- c. County of Los Angeles v. Sandra Shewry and State Department of Health Services
Los Angeles Superior Court Case No. BS 107385

This lawsuit concerns payments under the State Medi-Cal Program.

The Claims Board approved settlement of this matter whereby the County will receive approximately \$40,342.

The vote of the Claims Board was unanimous with all members being present.

- d. Claim of Lenore Almanzar

This claim seeks compensation for property damage caused by a sewer back-up.

The Claims Board approved settlement of this matter in the amount of \$26,125.13.

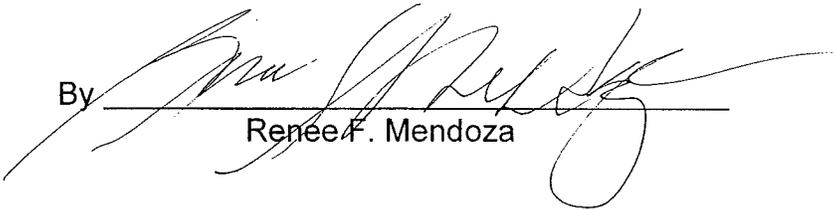
The vote of the Claims Board was unanimous with all members being present.

Minutes for the December 3, 2007, meeting were approved.

There being no further business, the meeting was adjourned at 9:37 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By



Renee F. Mendoza